

WEST ST. PAUL PLANNING COMMISSION

Regular Meeting

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Kavanaugh on Tuesday November 19, 2019 at 7:01 p.m. at the Municipal Center, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

ROLL CALL Chair Kavanaugh and Commissioners McPhillips, Fransmeier, Strohmeier, Green, and Stevens.

Absent: None

Also Present: Assistant Community Development Director Boike, Community Development Coordinator Melissa Sonnek, and City Council Liaison John Justen

Adopt Minutes None

PUBLIC HEARINGS

[PC CASE 19-13 – Zoning Ordinance Amendment, Regarding Allowing Auto Accessory Stores in the B3 District – City of West St. Paul](#)

Coordinator Sonnek presented the item by stating that City Staff had been working with an interested business within West St. Paul to relocate to a new location, still within West St. Paul. The current zoning code states that automobile accessory sales are only allowed within the B4 – Shopping Center zoning district, which includes primarily big box stores and multi-tenant shops. The interested business had expressed interest in relocating to a standalone building, which is more commonly found within the B3 – General Business District. Staff believes this use to be appropriate for the zoning district.

Commissioner McPhillips asked if the business that the City has been working with had a particular area of interest within the City. Asst. Director Boike stated that Autozone is being required to relocate due to the Robert Street underpass project to make way for the River to River Trail connection. At the time, Autozone is believed to have a purchase agreement in place with the former Chuck-e-Cheese site, pending zoning approvals.

Chair Kavanaugh asked what the zoning is for the site that Autozone is currently located on. Asst. Director Boike stated that the current Autozone site is zoned B6 – Town Center Mixed Use, which does not allow for auto accessory sales, which would make the site legal non-conforming.

Commissioner Stevens asked why this use is currently not allowed within the B3 district. Asst. Director Boike stated that back in 2008 there was a city wide review of all of the auto uses within the City and there were a total of 28 within the City. After this, the City decided to limit the auto uses to only the B4 district. While today, the primary auto businesses in West St. Paul prefer to be in standalone buildings.

Chair Kavanaugh asked Asst. Director Boike if there were any health, safety, or wellness concerns about this ordinance amendment. Asst. Director Boike stated that City Staff believes this use is a good fit since it is primarily retail in nature.

Chair Kavanaugh then asked what auto related uses are currently allowed within the B3 district. Asst. Director Boike stated auto repair shops are allowed through a conditional use permit. Asst. Director Boike stated that Napa Auto is currently in West St. Paul, but are located within the B6 district and is currently legal non-conforming, O'Reilly Auto on the north end of town is in a B3 district and is legal non-conforming, pending the proposed ordinance change, and the O'Reilly Auto on the south end of town is in the B4 district.

Commissioner Fransmeier stated her concerns about allowing the use in the B3 district because the future is unknown, and while she does not dislike auto stores, she would not care to see more than 28 stores. Commissioner Fransmeier inquired about possibly allowing the use as a conditional use. Asst. Director Boike stated that allowing the use as a CUP is an option, and it would allow the Planning Commission and the City Council to place reasonable conditions on the application. Asst. Director Boike stated that since this use is retail in use, City Staff doesn't see an issue in allowing it as a permitted use, but allowing it as a conditional use is an option. Chair Kavanaugh asked what kind of conditions could be placed on this type of use. Asst. Director Boike stated that proposed amendment contains language placing restrictions on outdoor storage; however, other than that he is unsure of what other conditions would be placed on the use.

Commissioner Stevens inquired if Staff believed that restricting this use to the B4 district was the cause of having a decreased number of auto accessory stores. Asst. Director Boike clarified that the 28 stores were not just auto accessory, but repair as well, and City Staff has not had any inquiries from interested parties since that time in 2008.

Chair Kavanaugh stated that he could see there being concerns if the proposed change involved auto repair, due to storage and noise issues for adjacent property owners; however, since the proposed change only relates to accessory sales, it would be similar to any other retail operation.

Public Hearing

Planning Commission Chair Kavanaugh opened the public hearing at 7:09pm, and seeing no one from the public come forward to speak, then closed the public hearing at 7:09pm

On a motion by Commissioner Green, and Second by Commissioner Strohmeier, the item was recommended for approval with a 5-1 vote. With Commissioner Fransmeier as the no vote.

PC CASE 19-14 – Zoning Ordinance Amendment, Regarding Establishment of the Smith/Dodd Neighborhood Overlay District – City of West St. Paul

Asst. Director Boike presented a brief history of the draft ordinance dating back to early 2017, to establish a unique zoning overlay for the Smith/Dodd neighborhood that essentially creates a set of redevelopment requirements specific to the area. One of the changes the City Council requested that differed from the Planning Commission's recommendations was the reduced parking requirements if a redevelopment application complies with all other portions of the code requirements; the Planning Commission recommended offering a significant reduction in parking, while the City Council moved to reduce the minimum required off-street parking for commercial to zero if all other sections of the code are met.

Commissioner Fransmeier asked how the process would work if an applicant were to apply and provide off-street parking. Asst. Director Boike stated that while the code may not allow the applicant to have off-street parking, the applicant is still able to do so. Each application would most likely be reviewed under the site plan provisions of the code, and the proposed ordinance would limit the parking to either side yard or the rear yard and the side yard parking would be limited to how much parking would be allowed on the side yard. Commissioner Fransmeier asked about ADA requirements and if that requirement would still pertain if off-street parking is offered. Asst. Director Boike, confirmed. Chair Kavanaugh asked how much of the side frontage would be allowed to be used as parking. Asst. Director Boike stated the maximum would be thirty percent.

Commissioner Fransmeier asked City Council liaison Justen why the City Council elected to re-add banks, nursing homes, and retirement homes back into the language after Planning Commission recommended removing them. City Council liaison Justen referenced the minutes from when the City Council reviewed this item and stated that Councilperson Fernandez mentioned that the larger scale plan for the area is for Oxendale's to redevelop and potential funding options or plausible uses for that area could be nursing homes, retirement homes, or independent living. Council liaison Justen further went on to explain that multiple Councilmembers were of the opinion that since drive-through lanes were to be restricted, it would be appropriate to allow smaller scale banks in the area. While in fact, for an area that is intended to have people shopping, a bank could be advantageous. Commissioner Fransmeier inquired if the Council believed that these uses would bring charm and character to the area. Council liaison Justen stated that it might enable character to be in the area, in order for the area to work and be profitable there would have to be areas set aside for such uses. Commissioner Stevens asked what methods were available to prevent the area from being redeveloped as one large nursing home site. Asst. Director Boike mentioned that the ordinance language could be written to separate out nursing and assisted living from independent living facilities. Commissioner Fransmeier expressed concerns about allowing nursing care in the area, as it requires staff and visitor parking, stating that she does not see it as the right use for this area. Commissioner Green mentioned that nursing homes are allowed in the area as a conditional use, and would have to be reviewed by the Planning Commission and the Council prior to being constructed in the area.

Commissioner Green inquired about parking for a nursing home and if the Commission could require additional parking through the CUP process. Asst. Director Boike stated that requiring additional parking above the minimum might be difficult; however, the current parking requirements for nursing homes is two stalls per unit. Asst. Director Boike stated that for that type of use it can be excessive and doesn't foresee an applicant coming in and wanting to provide that much parking. Additionally, in order to deny a conditional use permit application, the City Council would need a reason that involved a health, safety, and/or wellness issue due to a CUP being essentially a permitted use that the City is allowed to place reasonable conditions on. So the City Council would not be able to deny an application simply because they do not like a project.

Commissioner Strohmeier asked about tobacco shops, as he remembered the Planning Commission recommending that as a prohibited use during earlier work sessions. Currently the ordinance lists it as a conditional use, which is better than a permitted use. Commissioner Fransmeier stated that she did not believe the Commission came to a consensus on the topic. Commissioner Stevens stated that she did not feel the use would need to be restricted. Commissioner Stevens then asked what the Commission gave as a reason for not liking about tobacco shops. Commissioner Fransmeier asked why the community would need one. Commissioner Stevens replied that if people would like to buy tobacco, the community would need one. Chair Kavanaugh stated that he has visited some charming

tobacco shops; however, there are some rough ones as well. Commissioner Strohmeier stated that it does not appear that the Commission has an appetite to prohibit smoke and tobacco. Commissioner Strohmeier asked Asst. Director Boike if we currently allow this use in the city, and if so where. Asst. Director Boike stated that the use is currently allowed in the B3 district.

Public Hearing

Planning Commission Chair Kavanaugh opened the public hearing at 7:25pm, and seeing no one from the public come forward to speak, then closed the public hearing at 7:25pm

Commissioner McPhillips asked who has seen the draft ordinance. Chair Kavanaugh stated that there were 11 meetings during the Smith/Dodd Small Area planning process and three work sessions, so the neighborhood and businesses had a lot of input and opportunity. Commissioner Stevens asked how much of what is included in the proposed ordinance outlined in the small area plan. Asst. Director Boike stated that the ordinance is more specific than the plan, but overall the ordinance meets the intent of the plan and what was agreed upon by the PAC that worked on the plan.

Chair Kavanaugh stated that in a review of the entire small area plan, he might not agree with everything or it might not contain all of the items he would have liked; however, the plan does include a lot of things that would be an improvement for the area.

Commissioner Fransmeier asked Asst. Director Boike what the recommendation was from the Planning Commission for the parking reduction option. Asst. Director Boike explained that it was a tiered system based on square footage of the building, allowing either a 75 or 50 percent reduction, cannot exactly remember what number was the final recommendation. Commissioner Fransmeier stated that since they do not know what will happen to the area in the future, she believes it would be a good idea to put some kind of minimum in place. For example, a building larger than 10,000 sq. ft. would require parking. Asst. Director Boike stated that the code does not prohibit a business from having parking, as was previously discussed. For a 10,000 sq. ft. building, that retailer's requirements will want parking and will not build unless they have that parking, or another thing to think about is financing. For example, Foodsmith, the reason that project was so delayed was the difficulty they experienced trying to get financing without parking, which they did eventually find. Therefore, the parking reduction would really only pertain to the smaller scale businesses. Council liaison Justen mentioned that the reason the Council went with the zero parking minimum was because there was a strong temperature on the Council that businesses will put in the parking that they require. Council liaison Justen continued by speaking from a business owner perspective, that he is aware that he needs a certain number of parking spaces and would not look at a location that did not have enough parking. The idea was that business would self-regulate their own parking, and he did not hear any objections to that and were intent on making the minimum zero specifically. Commissioner Stevens asked why the city wouldn't eliminate parking minimums throughout the entire city. Council Liaison Justen stated that there are a fair number of people on the City Council that would like to see that happen. Asst. Director Boike mentioned that larger metro and urban areas such as San Francisco are starting to do that, areas that have the density to support the surrounding businesses. Chair Kavanaugh added that the idea of an overlay district is not entirely new, it is used in downtown areas where the desire is not for more parking, but a more walkable area and more pedestrian friendly. Commissioner Stevens mentioned that whenever she sees areas like that, there is some sort of public parking available so that people can park nearby and then walk around the area. Chair Kavanaugh stated that there is ample street parking, which is public parking, even though that is a controversial comment. Commissioner Stevens mentioned that in addition to people having somewhere to park, she is also concerned for those that have more limited mobility. Commissioner McPhillips stated that he is also in favor of

public parking, and asked that Council liaison Justen carry that sentiment forward to the City Council. Commissioner McPhillips stated that it can be frustrating as a resident to maintain a parking space, to have it taken by someone else as you drive around the block to get to the spot that was just cleared.

Chair Kavanaugh asked if there were any further questions for City Staff, seeing none he continued by saying he is supportive of the amendment and believes that it has been thoroughly worked through to align with the small area plan that was adopted.

Commissioner Strohmeier made a motion to make pipe and tobacco shops a prohibited use, rather than a conditional use. Commissioner Fransmeier recommended a friendly amendment to remove nursing homes and assisted living from the area, but allow independent living to remain as a CUP. Commissioner Strohmeier stated that he would like to vote only on the pipe and tobacco use. Commissioner Fransmeier seconded the motion. The Commission voted 4-2 in opposition (Strohmeier and Fransmeier in support and McPhillips, Stevens, Kavanaugh, and Green in opposition) to making pipe and tobacco shops a prohibited use.

Commissioner Fransmeier made a motion to make nursing homes and assisted living prohibited uses, and to re-define senior living as independent living or multi-family and allow both under a conditional use permit. Commissioner Stevens seconded. The Commission voted 6-0 in favor of the proposed amendment to the zoning ordinance.

On a motion by Commissioner Green, and second by Commissioner Stevens, the item was recommended 6-0 for approval with the changes to re-define senior living as independent living or multi-family and allow both under a conditional use permit.

NEW BUSINESS

N/A

OLD BUSINESS

N/A

OTHER BUSINESS

Asst. Director Boike mentioned that Commissioner Leuer recently resigned from his position on the Planning Commission, and Staff would be formally recognize him for his efforts in December.

ADJOURNMENT

ON MOTION TO ADJOURN by Commissioner Stevens, seconded by Commissioner McPhillips. Commissioners RESOLVED to ADJOURN the November 19, 2019 regular meeting of the Planning Commission at 7:47pm. Motion approved 6-0.

Melissa Sonnek
Community Development Coordinator